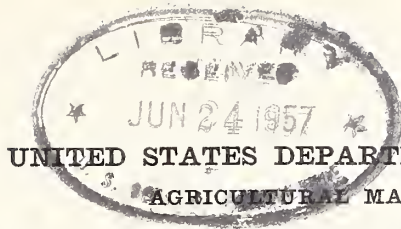


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Lemon Order No. 53
Order originally effective April 10, 1941

**ORDER REGULATING HANDLING OF LEMONS GROWN IN
CALIFORNIA AND ARIZONA**
COMPILATION

[Reprinted from Federal Register of April 30, 1955 (20 F. R. 2913)]

**PART 953—LEMONS GROWN IN CALIFORNIA
AND ARIZONA**

Subpart—Order Regulating Handling

- Sec.
953.0 Findings and determinations.
- DEFINITIONS**
- 953.1 Secretary.
953.2 Act.
953.3 Person.
953.4 Lemons.
953.5 Grower and producer.
953.6 Handler.
953.7 Handle.
953.8 Carload.
953.9 Box.
953.10 Season and fiscal year.
953.11 Committee.
953.12 Available lemons.
953.13 Central marketing organization.
- ADMINISTRATIVE BODY**
- 953.20 Establishment and membership.
953.21 Term of office.
953.22 Nominations.
953.23 Selection.
953.24 Failure to nominate.
953.25 Acceptance.
953.26 Vacancies.
953.27 Alternate members.
953.28 Procedure.
953.29 Expenses and compensation.
953.30 Powers.
953.31 Duties.
953.32 Obligation.
- EXPENSES AND ASSESSMENTS**
- 953.40 Expenses.
953.41 Assessments.
953.42 Accounting.
953.43 Funds.
- REGULATION**
- 953.50 Marketing policy.
953.51 Recommendations for regulation.
953.52 Issuance of regulations.
953.53 Prorate bases.
953.56 Allotments.
953.57 Overshipments.
953.58 Undershipments.
953.59 Allotment loans.
953.60 Transfer of allotments.
953.61 Priority of allotments.
953.62 Information to central marketing organizations.
953.63 Assignment of allotments.
953.64 Districts.
- REPORTS**
- 953.70 Weekly report.
953.71 Other reports.
- MISCELLANEOUS PROVISIONS**
- 953.80 Lemons not subject to regulation.
953.81 Compliance.
953.82 Right of the Secretary.
953.83 Effective time.
953.84 Termination.
953.85 Proceedings after termination.
953.86 Effect of termination or amendment.
953.87 Duration of immunities.

- Sec.
953.88 Agents.
953.89 Derogation.
953.90 Personal liability.
953.91 Separability.
953.92 Amendments.

AUTHORITY: §§ 953.0 to 953.92 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 953.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of this order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. (Original findings in 6 F. R. 1833.)

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900; 19 F. R. 57), a public hearing was held at Los Angeles, California, on June 22, 1954, upon proposed amendments to Marketing Agreement No. 94, as amended, and Order No. 53, as amended (7 CFR Part 953) regulating the handling of lemons grown in California and Arizona. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended, and as hereby further amended, regulates the handling of lemons grown in the States of California and Arizona in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act; and

(4) The said order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the lemons covered thereby.

(b) *Additional findings.* It is hereby found and determined on the basis hereinafter indicated that good cause exists for making the provisions of this order effective not later than the date of publication in the Federal Register; and that it would be contrary to the public interest to postpone such effective date until 30 days after publication (60 Stat. 237; 5 U. S. C. 1001 et seq.). The provisions of this order make certain changes in the composition of the Lemon Administrative Committee, the agency charged with the administration of this program, and in the procedures for nominating the membership of the committee. The term of office of the current members of the committee ends on October 31, 1954, and the provisions of this order should be made effective as soon as practicable so that the new committee may be nominated and appointed in conformity therewith. The provisions of this order are well known to the handlers of lemons, since the public hearing in connection therewith was held in Los Angeles, California, on June 22, 1954, and the recommended decision and final decision were published in the Federal Register on August 20, 1954, (19 F. R. 5319), and September 15, 1954 (19 F. R. 5969), respectively; and the changes effected by this order do not impose any restrictions on, or require any advance preparation by, the persons subject to regulations under the program.

(c) *Determinations.* It is hereby determined that:

(1) The "Agreement Amending the Marketing Agreement, as Amended, Regulating the Handling of Lemons Grown in California and Arizona," upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the lemons covered by this order) who, during the period November 1, 1952, through October 31, 1953, shipped not less than 80 percent of the volume of lemons covered by said order, as amended, and hereby further amended; and

(2) The issuance of this order, amending the aforesaid order, as amended, is favored, or approved, by at least three-

fourths of the producers who, during the determined representative period (November 1, 1952, through October 31, 1953), were engaged within the production area specified in said order, as amended, in the production of lemons for market.

(3) The issuance of this order, amending the aforesaid order as amended, is favored or approved by producers who, during the aforesaid representative period, produced for market at least two-thirds of the volume of lemons produced within California and Arizona for market.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of lemons grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

SUBPART—ORDER REGULATING HANDLING DEFINITIONS

§ 953.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States of America.

§ 953.2 *Act.* "Act" means Public Act No. 10, 73d Congress (48 Stat. 31), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246), as amended.

§ 953.3 *Person.* "Person" means an individual, partnership, corporation, association, legal representative, or any organized group of individuals.

§ 953.4 *Lemons.* "Lemons" means all varieties of lemons grown in the State of California or in the State of Arizona.

§ 953.5 *Grower and producer.* "Grower" and "producer" are synonymous and mean any person who produces lemons for market.

§ 953.6 *Handler.* "Handler" means any person (except a common carrier of lemons owned by another person), who handles lemons in fresh form.

§ 953.7 *Handle.* "Handle" means to transport, ship, sell, or in any other way to place lemons in the current of interstate commerce or commerce with Canada, or so as directly to burden, obstruct, or affect such interstate commerce or such commerce with Canada.

§ 953.8 *Carload.* "Carload" means a quantity of lemons equivalent to 406 packed boxes of lemons.

§ 953.9 *Box.* "Box" means a standard lemon box which has inside dimensions of 10 inches in depth, 13 inches in width, and 25 $\frac{1}{8}$ inches in length or the equivalent thereof.

§ 953.10 *Season and fiscal year.* "Season" and "fiscal year" are synonymous and mean the twelve-month period beginning on November 1 of each year and ending October 31 of the following year.

§ 953.11 *Committee.* "Committee" means the Lemon Administrative Committee established pursuant to § 953.20.

§ 953.12 *Available lemons.* "Available lemons" means all lemons available for current shipment, as determined pursuant to § 953.53.

§ 953.13 *Central marketing organization.* "Central marketing organization" means any organization which markets the lemons for more than one handler pursuant to a written contract between such organization and each such handler.

ADMINISTRATIVE BODY

§ 953.20 *Establishment and membership.* A Lemon Administrative Committee, consisting of seven members, is hereby established. For each member of the committee there shall be an alternate member who shall have the same qualifications as the member.

§ 953.21 *Term of office.* The initial members and alternate members shall hold office for a term beginning on the date designated by the Secretary and ending October 31, 1942, or until their successors are selected and have qualified. Thereafter, the term of office of members and alternate members shall begin on the first day of November and continue for two years or until their successors are selected and have qualified. The Secretary may, by order issued not later than September 1 of any year, direct that the term of office of the members and alternate members then serving shall expire on October 31 following the date of such order, or as soon thereafter as their respective successors are selected and have qualified.

§ 953.22 *Nominations.* (a) The cooperative marketing organization, or the growers affiliated therewith, as may be provided pursuant to paragraph (f) of this section, which marketed more than sixty percent of the total volume of lemons marketed in fresh form during the fiscal year preceding the date on which nominations for members and alternate members of the committee are to be submitted, shall nominate three growers for three members and three growers for three alternate members of the committee.

(b) The cooperative marketing organization, or the growers affiliated therewith, as may be provided pursuant to paragraph (f) of this section, which marketed a larger portion of the total volume of lemons marketed in fresh form during the fiscal year preceding the date on which nominations for members and alternate members are to be submitted than any cooperative marketing organization other than the one described in paragraph (a) of this section, shall nominate one grower for a member and one grower for an alternate member of the committee.

(c) All cooperative marketing organizations which are not qualified under paragraph (a) or (b) of this section, or the growers affiliated therewith, as may be provided pursuant to paragraph (f) of this section, shall nominate one grower for a member and one grower for an alternate member of the committee.

(d) All lemon growers who are not included under paragraph (a), (b), or (c) of this section shall nominate one grower for a member and one grower

for an alternate member of the committee.

(e) When voting for nominees, each grower shall be entitled to cast one vote, which vote shall be cast on behalf of himself, his agents, subsidiaries, affiliates, and representatives.

(f) The time, method, and manner of nominating members and alternate members of the committee shall be prescribed by the Secretary.

(g) Nominations for the initial members and alternate members of the committee may be made prior to, and, in any event, shall be submitted to the Secretary not later than fifteen days after the effective date of this subpart. Nominations for successors to the initial members and alternate members of the committee shall be submitted to the Secretary not later than fifteen days preceding the date of expiration of the terms of the members and alternate members.

(h) The six members of the committee selected by the Secretary pursuant to § 953.23 (a), shall meet upon a date designated by the Secretary and, by a concurring vote of at least four members, shall nominate two persons for a member and two persons for an alternate member of the committee, which persons shall not be growers or handlers, or employees or agents of a grower or a handler, or in any other way associated directly with the lemon industry.

§ 953.23 *Selection.* (a) From the nominations made pursuant to paragraph (a) of § 953.22 or from other qualified growers, the Secretary shall select three members and three alternate members of the committee. From the nominations made pursuant to each of the paragraphs (b), (c), and (d) of § 953.22, or from other qualified growers, the Secretary shall select one member and one alternate member of the committee.

(b) From the nominations made pursuant to paragraph (h) of § 953.22, or from other qualified persons, the Secretary shall select one member and one alternate member of the committee.

§ 953.24 *Failure to nominate.* In the event nominations are not made pursuant to, and within the time specified in, § 953.22, the Secretary may select the members and alternate members of the committee, without regard to nominations, which selection shall be made on the basis of the representation provided for in § 953.23.

§ 953.25 *Acceptance.* Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 953.26 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate member, a successor for his unexpired term shall be selected by the Secretary from nominations made in the manner specified in § 953.22. If the names of nominees to fill any such vacancy are not

made available to the Secretary within fifteen days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for in § 953.23.

§ 953.27 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence, unless such member has designated another alternate member, who has been nominated by the same group which nominated the member; in which event, the alternate member so designated shall serve in the absence of the member who designated him. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 953.28 *Procedure.* (a) Five members of the committee shall constitute a quorum and any action of the committee shall require four concurring votes.

(b) The committee may provide for voting by telegraph, telephone, or other means of communication; and any such vote so cast shall be confirmed promptly in writing.

§ 953.29 *Expenses and compensation.* The members of the committee, and their respective alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under § 953.30, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed \$10.00 for each day, or portion thereof, spent in attending meetings of the committee.

§ 953.30 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 953.31 *Duties.* It shall be the duty of the committee:

(a) To act as intermediary between the Secretary and any grower or handler;

(b) To keep minutes, books, and records which will clearly reflect all of the acts and transactions of the committee, including all transactions and operations pursuant to §§ 953.50 through 953.62. Such minutes, books, and records shall be subject to examination at any time by the Secretary;

(c) To investigate the growing, shipping, and marketing conditions with respect to lemons and to assemble data in connection therewith;

(d) To furnish to the Secretary such available information as he may request;

(e) To select a chairman and such other officers as may be necessary, and to adopt such rules and regulations for

the conduct of its business as it may deem advisable;

(f) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses for such fiscal year, together with a report thereon;

(g) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other times as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this subpart, and a copy of each such report shall be furnished to the Secretary;

(h) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the salaries and define the duties of such persons;

(i) Subject to the continuing right of the Secretary to take such other action as may be necessary, to appear in and defend any legal proceeding against the committee, its members, or alternate members (whether any such proceeding is against them as individuals or as members or alternate members of the committee), or any officers or employees of such committee, arising out of the exercise of their powers or the performance of their duties pursuant to the provisions of this subpart; and the action of the committee in connection with any such defense shall be binding upon all the members and alternate members of the committee; and

(j) To perform such duties as may be assigned to it by the Secretary in connection with the administration of section 32 of the act to amend the Agricultural Adjustment Act, and for other purposes, Public Act No. 320, 74th Congress approved August 24, 1935 (49 Stat. 774), as amended.

§ 953.32 *Obligation.* Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds, together with all books and records, in his possession, to his successor in office, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and claims vested in such member pursuant to this subpart.

EXPENSES AND ASSESSMENTS

§ 953.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary finds may be necessary to carry out the functions of the committee pursuant to the provisions of this subpart during each fiscal year. The funds to cover such expenses shall be acquired by levying assessments as provided in § 953.41.

§ 953.41 *Assessments.* (a) Each handler who first handles lemons shall, with respect to the lemons so handled by him, pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be necessarily incurred by the committee for its maintenance and functioning during each fiscal year. Such handler's pro rata share of such expenses shall be equal to the ratio between the total

quantity of lemons handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of lemons handled by all handlers as the first handlers thereof, during the same fiscal year. The Secretary shall fix the rate of assessment to be paid by such handlers. The payment of assessments for the maintenance and functioning of the committee may be required under this subpart throughout the period it is in effect, irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) At any time during or after a fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee. Such increase shall be applicable to all lemons handled during the given fiscal year. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

§ 953.42 *Accounting.* (a) If, at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year. If any handler ceases to handle lemons he may demand payment of such refund, in which case such sum shall be paid to him.

(b) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

§ 953.43 *Funds.* All funds received by the committee pursuant to any provisions of this subpart shall be used solely for the purposes specified in this subpart and shall be accounted for in the manner provided in this subpart. The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

REGULATION

§ 953.50 *Marketing policy.* At the beginning of each fiscal year, the committee shall prepare and submit to the Secretary a report setting forth its proposed policy for the marketing of lemons during such fiscal year. In the event it becomes advisable to deviate from such marketing policy, because of changed demand and supply conditions, the committee shall formulate a new marketing policy and shall submit a report thereon to the Secretary. The committee shall notify handlers of the contents of such reports.

§ 953.51 *Recommendations for regulation.* (a) It shall be the duty of the committee to investigate the supply and demand conditions for lemons. Whenever the committee finds that such conditions make it advisable to regulate, pursuant to § 953.52, the handling of lemons during any week of the fiscal year, it shall recommend to the Secretary the quantity of lemons which it deems advisable to be handled during such week in each district defined in § 953.64. Thereafter, the committee

shall promptly report such findings and recommendations, together with supporting information, to the Secretary.

(b) In making such recommendations, the committee shall give due consideration to the following factors: (1) Quantity of lemons in storage; (2) lemons on hand in, and en route to, the principal markets; (3) trend in consumer income; (4) present and predicted weather conditions; (5) present and prospective prices of lemons; and (6) other relevant factors.

(c) At any time during a week for which the Secretary, pursuant to § 953.52, has fixed the quantity of lemons which may be handled during such week, the committee may, if it deems such action advisable because of unusual or unforeseen changes in the demand for lemons, recommend to the Secretary that such quantity be increased for such week. Any such recommendation, together with supporting information, shall be submitted promptly to the Secretary.

§ 953.52 *Issuance of regulations.* Whenever the Secretary shall find, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of lemons which may be handled during a specified week in each district, as aforesaid, will tend to effectuate the declared policy of the act, he shall fix such a quantity of lemons which may be handled during such week in each such district, which quantity may, at any time during such week, be increased by the Secretary. The committee shall be informed immediately of any such regulation issued by the Secretary and shall promptly give adequate notice thereof to handlers.

§ 953.53 *Prorate bases.* (a) As used in this section, "handler" means the person who is, or proposes to be, the person who handles lemons as the first handler thereof; and each such handler shall submit to the committee, at such time as may be designated by it, a written application for a prorate base and for allotments, as provided in this subpart.

(b) Whenever the committee proposes to make recommendations for regulation, pursuant to § 953.51, it shall, with respect to each handler who has filed an application for a prorate base, compute the quantity of available lemons which, as of 12:01 a. m., on the Sunday nearest the date on which such computation is made, meets the requirements of marketing under applicable laws. Such computation shall be made every two weeks, beginning with a date in each fiscal year to be fixed by the committee, and continuing so long as such recommendations are proposed. In computing each handler's available lemons, the committee shall consider only such lemons as the handler owns or has contracted to buy, or has authority to market under a written contract.

(c) In computing the quantity of lemons which, for the applicable two-week period, each handler has available for current shipment, the committee shall compute the quantity of lemons which each handler has picked from the trees and has assembled at an estab-

lished shipping point within the area of production.

(d) In the event any handler has lemons which he desires to market in channels other than fresh-fruit channels in the United States and Canada, he may request the committee to compute the number of weeks that such lemons could be held in storage, under commercial storage conditions, and, at the expiration of such period, would meet the requirements for marketing under applicable laws. Any such lemons shall be in containers and shall be assembled at one or more of the central points which may be approved by the committee. If the said handler is satisfied with the committee's computation, he shall give the committee written notification thereof and shall dispose of such lemons in channels other than fresh-fruit channels in the United States and Canada. The committee shall include such lemons as a part of the available lemons of such handler for the number of weeks computed, and such lemons shall not be included thereafter in any computation made pursuant to paragraph (c) of this section.

(e) Any handler who submits evidence satisfactory to the committee that such handler has lemons available for current shipment during the applicable two-week period, but, because of unavailable facilities, the quantity of such lemons cannot be computed satisfactorily, pursuant to paragraph (c) of this section, the committee shall compute, pursuant to uniform rules adopted by the committee and approved by the Secretary, the quantity of lemons which each such handler has available for current shipment during such period.

(f) Based on the quantity of each handler's available lemons, as computed pursuant to this section, the committee shall fix the prorate base of each handler who has applied therefor: *Provided*, That such quantity shall be adjusted by (1) the deduction therefrom of any undershipments pursuant to § 953.58, or (2) the addition thereto of any overshipments pursuant to § 953.57, in the event such handler makes an undershipment or overshipment during the week preceding that in which such quantity is computed. Such prorate base shall represent the ratio between the quantity of such handler's available lemons in a district, as aforesaid, and the quantity of all handlers' available lemons in such district, and shall be applicable for the two week period immediately following the week in which it is fixed by the committee.

(g) The committee shall notify the Secretary of the prorate base fixed for each handler and shall notify such handler of the prorate base fixed for him.

(h) Any handler who has reason to believe that the computation made by the committee with respect to the quantity of such handler's available lemons is not accurate, may appeal to the Secretary for a recomputation thereof. Any such appeal shall be supported by evidence which shall show the inaccuracy of the committee's computation. Whenever a handler takes such an appeal to the Secretary, the handler shall, at the same

time, notify the committee of such appeal and submit to the committee a copy of the evidence in support thereof. Upon receipt thereof, the committee shall immediately submit a report to the Secretary, setting forth the manner in which the quantity of the handler's available lemons was computed, and other data pertinent to a determination on the appeal.

§ 953.56 *Allotments.* Whenever the Secretary has fixed the quantity of lemons which may be handled during any week in a district, as aforesaid, the committee shall calculate the quantity of lemons which each handler may handle during such week. The said quantity shall be the allotment of each such handler and shall be in an amount equal to the product of the handler's prorate base and the quantity of lemons fixed by the Secretary as the quantity which may be handled during such week in such district. The committee shall give adequate notice to each handler of the allotment computed for him pursuant to this section.

§ 953.57 *Overshipments.* During any week for which the Secretary has fixed the quantity of lemons which may be handled, each handler may handle, in addition to his allotment, an amount of lemons equivalent to ten percent of said allotment, or one carload, whichever is the greater: *Provided*, That no such overshipment may be made by a handler if his allotment for such week is insufficient to offset his prior overshipments pursuant to this section. The quantity of lemons handled in excess of a handler's allotment (but not exceeding the quantity permitted to be handled, as provided in this section) shall be deducted from his allotment for the next week in which the handling of lemons is regulated under this subpart. If such allotment is in an amount less than such excess quantity of lemons permitted to be handled by a handler, such quantity handled in excess of his allotment shall be deducted from succeeding weekly allotments until such excess has been entirely offset.

§ 953.58 *Undershipments.* If a handler during any week handles a quantity of lemons less than his allotment for that week, such handler may, in addition to his allotment for the next succeeding week, handle only during such next succeeding week, a quantity of lemons equivalent to such undershipment.

§ 953.59 *Allotment loans.* (a) A handler for whom a prorate base has been established may lend allotment to other handlers: *Provided*, That such loan is confined to the same district, as defined in § 953.64, is reported to the committee not later than 48 hours after the loan agreement has been entered into, and provides for repayment within one year of the date of the loan.

(b) Allotments shall be loaned only during the week in which such allotments are issued and can be used by the borrower only during the week in which the loan is secured. Handlers securing repayment of allotment loans shall use such allotments only during the week in which the repayment is made.

(c) The committee may act as agent for handlers in arranging loans of allotment; and all loan transactions shall be confirmed by the committee by memorandum addressed to the parties thereto.

(d) No allotment which has been loaned may again be loaned by the borrower, or by the lender after repayment thereof.

§ 953.60 *Transfer of allotments.* Allotments shall not be transferred except upon the transfer of a quantity of lemons equal to the allotment which has been transferred.

§ 953.61 *Priority of allotments.* During any week in which a handler receives an allotment, and has the right to handle a quantity of lemons in addition to the quantity represented by his allotment, by reason of (a) an undershipment of lemons pursuant to § 953.58; or (b) a transferred allotment, pursuant to § 953.60; or (c) the repayment of a loaned allotment, pursuant to § 953.59; or (d) an assignment of an allotment, pursuant to § 953.63; or (e) a borrowed allotment, pursuant to § 953.59, and such handler handles a quantity of lemons which is less than the total quantity of lemons which such handler may handle during such week, the amount of lemons handled shall first apply to such handler's current weekly allotment (or to that portion thereof which is not used pursuant to §§ 953.57, 953.59, 953.60, or 953.63), and the remainder, if any, shall be applied in the following order: first, to any undershipment of lemons, pursuant to § 953.58; second, to any allotment repaid to him, pursuant to § 953.59; third, to any allotment transferred to him, pursuant to § 953.60; fourth, to any allotment assigned to him, pursuant to § 953.63; and fifth, to any allotment borrowed, pursuant to § 953.59.

§ 953.62 *Information to central marketing organizations.* (a) In order further to facilitate arranging allotment transactions pursuant to this subpart, the committee shall give any central marketing organization upon its request, the same notice with respect to prorate bases and allotments, applicable to each handler for whom it markets lemons, as is given to such handlers.

(b) Any central marketing organization which, pursuant to paragraph (a) of this section, receives information from the committee regarding prorate bases and allotments, applicable to handlers for whom it markets lemons, and which arranges allotment transactions for or on behalf of any of such handlers, shall keep records which will accurately reflect all such allotment transactions and such records shall be subject to examination by the committee and the Secretary. Any such central marketing organization shall make such reports and furnish such other information with respect thereto as may be required by the committee. If the Secretary finds that any such central marketing organization has failed to keep such records, or has assisted in effecting allotment transactions contrary to the provisions of this subpart, the provisions of paragraph (a) of this section shall not be applicable to such central marketing organization during

such period as may be determined by the Secretary.

§ 953.63 *Assignment of allotments.* Any person who acquires lemons to be handled by him, and who does not have a prorate base on such lemons, may handle such lemons pursuant to an assignment of an allotment from the handler from whom such lemons were acquired and to whom the allotment had been issued, which assigned allotment shall be equal to the quantity of lemons acquired by such person.

Any such assignment shall be evidenced by a certificate which shall be in such form, and issued in such manner, as shall be prescribed by the committee.

§ 953.64 *Districts.* (a) "District 1" shall include that part of the State of California which is north of a line drawn due east and west through the Tehachapi Mountains.

(b) "District 2" shall include that part of the State of California which is south of a line drawn due east and west through the Tehachapi Mountains, but shall exclude Imperial County, California, that part of Riverside County, California, situated south and east of San Geronio Pass, that part of Riverside County, California, situated north of San Geronio Pass but east of the 115th Meridian, and that part of San Bernardino County, California, situated east of the 115th Meridian.

(c) "District 3" shall include the State of Arizona and that part of the State of California not included in District 1 and District 2.

REPORTS

§ 953.70 *Weekly report.* On or before such day of each week as may be designated by the committee, each handler shall report to the committee, on forms prepared by it, the following information with respect to lemons marketed by such handler during the immediately preceding week: (a) Quantity handled; (b) quantity shipped for distribution to persons on relief, including quantity donated for charitable purposes; (c) quantity sold or transported for consumption in fresh form in California or Arizona; (d) quantity sold or otherwise disposed of for canning or for manufacture into byproducts; and (e) quantity disposed of otherwise.

§ 953.71 *Other reports.* Upon request of the committee made with the approval of the Secretary every handler shall furnish to the committee, in such manner and at such times as it prescribes (in addition to such other reports as are specifically provided for in § 953.70), such other information as will enable the committee to perform its duties and to exercise its powers under this subpart.

MISCELLANEOUS PROVISIONS

§ 953.80 *Lemons not subject to regulation.* Nothing contained in this subpart shall be construed to authorize any limitation of the right of any person to handle lemons (a) for consumption by charitable institutions or distribution by relief agencies; (b) for conversion into by-products; or (c) for export to foreign

countries other than Canada; nor shall any assessment be levied on lemons so handled. The committee may prescribe adequate safeguards to prevent lemons handled for the purposes designated under paragraphs (a) and (b) of this section from entering commercial fresh fruit channels of trade contrary to the provisions of this subpart. The term "by-product" as used in this section includes all processed and manufactured products of lemons, including canned or bottled lemon juice.

§ 953.81 *Compliance.* Except as provided in this subpart, no handler shall handle lemons, during any week in which a regulation issued by the Secretary, pursuant to § 953.52, is in effect, unless such handler has an allotment, or an assignment of an allotment, covering such lemons, issued pursuant to this subpart, or unless such handler is otherwise permitted to handle such lemons, under the provisions of this subpart; and no handler shall handle lemons except in conformity to the provisions of this subpart.

§ 953.82 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary. In the event the committee, for any reason, fails to perform its duties or exercise its powers under this subpart, the Secretary may designate another agency to perform such duties and to exercise such powers.

§ 953.83 *Effective time.* The provisions of this subpart shall become effective April 10, 1941, and shall continue in force until terminated in one of the ways specified in § 953.84.

§ 953.84 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of lemons: *Provided*, That such majority has, during such year, produced for market more than fifty percent of the volume of such lemons produced for market; but such termination shall be effected only if announced on or before October 31 of the then current fiscal year.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 953.85 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds property and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or

delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 953.86 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 953.87 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 953.88 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Depart-

ment of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 953.89 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 953.90 *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 953.91 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 953.92 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

